

**TOWN OF DAVIE
WORKSHOP MEETING
SEPTEMBER 15, 1998**

The meeting was called to order at 6:31 p.m. Present were Mayor Venis, Vice-Mayor Cox and Councilmembers Bush, Paul and Weiner (departed at 7:48 p.m.) Also present were Interim Town Administrator Rawls, Town Attorney Webber, and Town Clerk Reinfeld recording the meeting.

1. Registration of Lobbyists

Mayor Venis explained that the topic of the workshop meeting was to discuss the lobbyist ordinance and recommendations made by Dean Alexander and Tom Truex. He thanked them for their time and effort.

Mr. Webber stated that one of his concerns with Messrs. Alexander and Truex's recommendations was the procedure for determining whether sanctions or censure should be found against a sitting Councilmember. He indicated that some changes had been made in that provision; however, he indicated that he could still foresee some potential problems and as a practical matter, how it would work procedurally which he explained.

Councilmember Weiner suggested that instead of having a full-fledged hearing, perhaps the name of the person suspected of violating this provision could be noted for the record. Councilmember Paul mentioned that at the last meeting, a code of ethics had been discussed and questioned if there was some way to incorporate this issue into the code of ethics. Mr. Truex explained that his thinking was to make politicians being held accountable with no threat of consequence or punishment. Mr. Alexander stated that his problem was not with the idea of the resolution but with the mechanics of it, indicating that most of this would be covered by State Statutes. Mr. Truex proposed that if the language regarding resolutions of admonishment were to be removed, the language regarding violation of the ordinance be left in, stating that the person would be prosecuted in the same manner as if a lobbyist violated the ordinance.

Mayor Venis requested that Mr. Webber reword the language so that the ordinance referred back to the State Statutes.

Discussion regarding another issue in the ordinance relating to the term "legislation" followed. Mayor Venis suggested that they use the old definition of legislation, i.e. resolution/ordinance. Councilmember Paul stated that she liked what had been done with regard to the definition of "lobbyist." Mr. Alexander pointed out that the terms "lobbying" and "lobbyist" were separated in the ordinance.

In Section 3 - Registration, Councilmember Paul questioned Mr. Truex and Mr. Alexander on why they felt a fee charged should not be charged. Mr. Truex answered that he thought they were trying to keep it very simple and not burdensome, keeping the cost to the Town minimal. He also indicated that they felt that lobbying was a form of free speech, it was necessary and desirable in a lot of cases and they did not think there should be a fee or tax on that. Mr. Alexander added that they felt the main purpose for registration was for disclosure. Councilmember Weiner questioned whether the term "lobbyist" in Option E should be changed to "person." Councilmember Bush stated that he had a campaign manager for eight or nine years and his wife had worked for the campaign manager for 10 to 20 hours. He questioned if he would have to report this. Mr. Truex indicated that the lobbyist would have to report this information. Councilmember Bush stated that "if the lobbyist doesn't report it it involves the principal so the principal is responsible for making sure the lobbyist says this because I have the knowledge." He added that he thought this

would become a "campaign thing" that could be used against him in literature the next time in ran for a Council seat "if I'm honest". Councilmember Bush inquired as to what needed to be disclosed and who was responsible for that disclosure in terms of the lobbyist or the principal. He indicated that he saw this as a campaign problem. Councilmember Bush also stated that he was concerned that this ordinance was creating a litigation nightmare which was why he had submitted a "bare bones" ordinance in the first place.

Mr. Alexander responded to questions by Mayor Venis about the time frame and indicated that dates would not be expected to be disclosed, just the general fact of the relationship. Councilmember Weiner questioned if he would have to disclose that his wife worked at a movie theater 16 years ago for someone who eventually became a lobbyist. It was discussed that some sort of time frame needed to be incorporated into the ordinance in order to clarify the issue. Mr. Webber interjected that he was uncomfortable with the concept of "recollection," stating that

it was also too general. Councilmember Weiner suggested that a two year period retroactive and prospective from that two year period forward as it would cover the current Councilmember.

Section 4 - Conduct of Principals and Town Council, was discussed. Councilmember Weiner questioned Section B of Section 4 concerning expert testimony. Further discussion ensued about lobbyists' compliance and how that could be addressed on the forms filed with the City Clerk.

Councilmember Paul questioned why 60 days was the effective date in Section 6 - Effective Date. Mr. Truex answered that it was just a matter of allowing everyone enough time to take notice of all the changes.

Councilmember Weiner mentioned that the language with regard to the opportunity to be heard in Section 7 - Penalties should be changed to language that included receiving notice of the opportunity. Mr. Alexander claimed that throughout this ordinance, they had made reference to Section 8.A of the Code of Ordinances which provided jail for 60 days and a \$500 fine; not wanting jail to be the issue, the wording was such that the penalty would not exceed \$500. Councilmember Weiner questioned whether there was a process for discovery and examination and finding a violation. He was informed that the process was provided for by other Statutes. There was further discussion as to violations and who prosecuted and determined the penalties. The discussion centered around the Police Department and Internal Affairs being the designated investigative agency when a complaint was brought with regard to any violation of the lobbyist ordinance. It was also decided to eliminate parts of D and E in Section 7.

Mr. Webber questioned the advisability of changing the word "lobbyist" in Section 3 - Registration, to "person." After much discussion, it was agreed that a change in the definition of lobbying to include the language "outside of a publicly advertised meeting," would clarify that situation.

The sample Registration Form was discussed. It was decided that Part II(3) - Additional Lobbyist Information would be changed to say two years rather than most recent campaign. Councilmember Bush asked whether there was any reference to consequences for improperly filling out registration forms and was informed that there was.

There being no objection or further business, the meeting was adjourned at 7:54 p.m.